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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,346	12/26/2001	Kun-Tsan Wu		7147
25859	7590	07/22/2004		
WEI TE CHUNG FOXCONN INTERNATIONAL, INC. 1650 MEMOREX DRIVE SANTA CLARA, CA 95050			EXAMINER WONG, ERIC K	
			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,346	<b>Applicant(s)</b> WU ET AL.	
	<b>Examiner</b> Eric Wong	<b>Art Unit</b> 2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to <sup>amendment</sup> communication(s) filed on 05 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 10, 13 and 20 is/are <sup>cancelled</sup> ~~withdrawn from consideration~~.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive. Applicant argues that the use shrinkage tubing is novel. Examiner respectfully disagrees. Shrinkage tubing is used in many arts, including the optical fiber art for sealing and protecting underlying material. For example, United States Patent Number 6,350,065 to Arima, United States Patent Application Publication 2001/0055913 to Winings, and United States Patent Application Publication 2003/0133686 to Delrosso et al. all disclose heat shrinkage tubing used to protect a fiber.

2. Applicant's arguments with respect to claim 4 have been fully considered but they are not persuasive. Applicant argues that Leyva fails to explicitly disclose any temperature compensating elements or a Bragg grating. In contradiction, applicant's arguments on page 15, state that Leyva includes such elements. Examiner respectfully notes that no such elements are claimed and that Bragg gratings are commonly used in DWDM art.

3. Applicant's arguments with respect to claim 21 have been fully considered but they are not persuasive. Applicant argues that in Leyva et al., Examiner does not indicate the claimed elements. Figure 9 in Leyva et al. discloses a set of DWDM elements in retainers and holders in the interior area of a housing.

### ***Priority***

4. Applicant has stated that a certified copy of TW-090220620 was attached in the amendment dated 8/5/03. No such document was included. Examiner respectfully requests a copy in a future response.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 5, 7-9, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 6,327,405 to Leyva et al

As to claims 1, 4 and 5, Leyva discloses in figures 1, 3, and 9, a dense wavelength division multiplexer module comprising:

- A plurality of dense wavelength division multiplexers, each of the dense wavelength division multiplexers comprising a sleeve (Figure 8);
- A plurality of optical fibers communicating between the dense wavelength division multiplexers (Figure 9);
- A plurality of retainers, each of the retainers retaining the sleeve of a corresponding dense wavelength division multiplexer therein (31) and;
- Supporting means comprising an array of ribs, the array of ribs comprising at least three pairs of ribs, a plurality of channels being thereby interleavingly defined between pairs of ribs (35, Figure 3);
- Wherein each of the retainers is secured in a corresponding channel between two corresponding pairs of ribs, each of the retainers comprises two opposite sidewalls and two steps are formed in the retainer at opposite ends of the sidewalls respectively.

- A cover and a base (Figure 9)

As to claim 2 and 19, the ribs are generally aligned with each other, each pair of the ribs is generally parallel to an adjacent pair of the ribs, and the pairs of the ribs are evenly spaced apart.

As to claim 7, each of the retainers defines a passage, a diameter of said passage is substantially equal to the diameter of the sleeve of each of the dense wavelength division multiplexers, and each of the dense wavelength division multiplexers are retained in said passage of a corresponding retainer.

As to claim 8, each retainer forms a C-shaped bead in the passage.

As to claim 9, each retainer defines an entrance in a top surface.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva as applied to claims 1 and 4 above.

Leyva discloses a DWDM module with a casing, where the sidewall of the frame defines a cutout where at least one of the optical fibers is extended through the cutout and strain relief boots (Column 5, Lines 64-65 and Figure 9), but fails to explicitly disclose a rubber loop secured between the base and cover.

One skilled in the art would be able to provide a groove and insert a rubber loop to seal the internal components from external conditions that may be harmful to optical components housed in the casing.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the case of Leyva to include a rubber loop in order to keep internal components safe from external conditions such as moisture.

 Claims<sup>6</sup> 11-12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva et al. as applied to claims 1 and 4 in the prior office action and in further view of United States Patent Application Publication 2003/0133686 to Delrosso et al.

Leyva discloses a DWDM module with a casing, parallel ribs upwardly formed from a bottom wall of the interior of the module and entrances, but fails to explicitly disclose heat shrinkage tubing.

One skilled in the art would be able to add shrinkage tubing to Leyva in order to protect the optical fiber splice from damage and provide greater rigidity at the splice. Delrosso et al. also discloses in paragraph 122 the use of heat shrinkable tube to protect a weld between fibers.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Leyva to include heat shrinkage tubing to provide greater rigidity at the splice point.

Claims 3, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva as applied to claims 1 and 4 above and in view of United States Patent Number 6,282,360 to Milanowski et al.

Leyva discloses a DWDM module with a casing, parallel ribs and entrances, but fails to explicitly disclose ribs to hold a DWDM with a straight innermost end and an arcuate outermost end.

Milanowski teaches an organizing structure that has ribs to hold optical fibers with a straight innermost end and an arcuate outermost end in order to better organize and prevent losses due to microbending.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the module of Leyva to include the arcuate portions of the fiber holder of Milanowski to prevent optical losses due to microbending.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

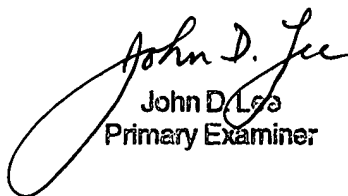
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EW

  
John D. Lee  
Primary Examiner